

MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, February 22, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Caveglia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bogue, Halliday, Sacks, Thnay, Williams, Zermeno
CHAIRPERSON Caveglia
Absent: COMMISSIONER None

Staff Members Present: Camire, Conneely, Garcia, Houghtelling, Looney, Patenaude

General Public Present: Approximately 17

PUBLIC COMMENT

Dave West, Dave's Dance Studio 943 B Street, stated that the lighting on "B" Street at night doesn't light enough. It would save problems along the street to have more light. A year ago they added the new lighting. It is just not effective enough.

Chairperson Caveglia commented that they used to have lights in trees. He thought because of the energy crisis they might have discontinued that practice.

Commissioner Sacks discussed an incident, which occurred on Feb. 12 on her way home. Travelling on Mission at Tennyson in very heavy traffic, her car stalled. Two young men in a pick-up stopped to help move her car off the road. They were in a hurry so she had no chance to thank them. She extended her thanks at this time.

AGENDA

1. **Use Permit 00-160-19 Yemane Tsegay (Applicant) / Alfred Antonini (Owner)** Request to Establish a Nightclub/Restaurant within an Existing Commercial Building - The Property is Located at 1004 "B" Street at Main Street in a CC-P/C (Central City - Plaza/Commercial) District
2. **Zone Change Application No. 01-190-01 and Referral of Administrative Use Permit Application No. 01-150-09 - Abdul Mehdavi (Applicant), Patricia Wiese (Owner):** Request to Change a Zoning District from "RS" Single-Family Residential to "CG" General Commercial in order to Build a Parking Area to Serve an Automotive Repair Shop Facility. In addition, Referral by the Planning Director of an Administrative Use Permit

Request to Construct and Operate an Automobile Repair Facility for the Purpose of Minor and Major auto Repair. *The property is Located at 28049 Mission Boulevard & 650-670 Hancock Street in the CG (General Commercial) and a RS (Single-Family Residential) Districts*

PUBLIC HEARINGS

1. **Use Permit 00-160-19 Yemane Tsegay (Applicant) / Alfred Antonini (Owner)** Request to Establish a Nightclub/Restaurant within an Existing Commercial Building - The Property is Located at 1004 "B" Street at Main Street in a CC-P/C (Central City - Plaza/Commercial) District

Acting Principal Planner Patenaude gave the staff report. He described the location and the various other businesses in the area which also sell alcohol. He explained that staff had evaluated the property as primarily a nightclub, though applicant says it will have food service. The only tables with food service are on the perimeter. He noted that the kitchen facility does not seem able to provide adequate food service, and that the emphasis seems to be on alcohol. There are an adequate number of establishments in the area already serving alcohol. Staff recommended denial subject to findings.

With no questions from commissioners, Chairperson Caveglia opened the public hearing at 7:41 p.m.

Maureen Bessette, 24881 Yoshiba Drive, said she was opposed to Club Velvet. She noted that in the interview with the owners they said there were no plans to have the restaurant open at the time of the opening of the bar and nightclub.

John Malorey, 389 Meek Avenue, also interviewed with Velvet Club owners for Citizens for Responsible Alcohol Use. He noted that the City, particularly downtown, does not need another alcohol establishment.

Thea Perrino, representing CommPre, 22652 3rd Street, said there are already 33 on-sale active licenses downtown. The area is very over concentrated. She felt that the applicants do not have experience with this type of operation. The only one with experience is an employee who is serving at the will of the owner. They told the committee that it would be six to nine months before food service might be operational. She then asked the Commission to deny the application.

There was no spokesperson in the audience on behalf of the applicant.

Chairperson Caveglia closed the public hearing at 7:47 p.m.

Commissioner Halliday said she would like to see something in this beautiful building and asked staff whether there are any other prospects.

Acting Principal Planner Patenaude responded that there has not been a lot of interest in this building. He noted that potential users have had a difficult time arranging leases. As of now

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there are no prospects in sight for another use. He commented that between the first scheduled hearing and this one, staff encouraged the applicant to more fully develop the restaurant.

Commissioner Halliday noted that restaurants seem to be doing fairly well downtown at this point. This might be a good location for a restaurant. She added that she might not support this proposal but hopes someone will find a good use for the building.

Commissioner Williams said he was also disappointed that the applicant was not there. A family type restaurant should go into this location. He said he would like to see an upscale nightclub/restaurant such as Yoshi's at Jack London Square. He believes that could go in Hayward. It appears that we don't need another liquor outlet in the downtown. He then asked staff if a proposal for a restaurant, not to sell liquor, might be approved.

Acting Principal Planner Patenaude said he had worked with the applicant for quite awhile urging them to consider providing for more food. It is staff's intention to have this building occupied.

Commissioner Zermeño asked whether the City has looked into purchasing and doing something with this building.

Commissioner Bogue commented that between the previously scheduled meeting and this one, there were few changes made to the plans. It does not seem that they plan to have a restaurant.

Acting Principal Planner Patenaude commented that after staff recommended denial, the applicants indicated they probably would not proceed with the application. When he asked for letter of indication on this position, there was none forthcoming.

Commissioner Bogue **moved**, seconded by Commissioner Sacks, to deny the Use Permit, with the attached findings

Commissioner Thnay made several points. He thanked staff for findings for denial and mentioned that the downtown area policies call for fostering pedestrian business. He said he wholeheartedly supports this policy. It is essential that the right type of usage like the Yoshi-type of restaurant/entertainment center be established in this area.

The motion passed unanimously.

- 2. Zone Change Application No. 01-190-01 and Referral of Administrative Use Permit Application No. 01-150-09 - Abdul Mehdavi (Applicant), Patricia Wiese (Owner): Request to Change a Zoning District from "RS" Single-Family Residential to "CG" General Commercial in order to Build a Parking Area to Serve an Automotive Repair Shop Facility. In addition, Referral by the Planning Director of an Administrative Use Permit**

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Associate Planner Camire described the proposal as an auto body repair shop. The proposal is partially in a residential zoning district. Across the street is the Big "O" Tire Store. The proposal calls for two buildings. However, the corner property is not included in the project area. Staff asked applicant to try to obtain the property. She explained that the use is contrary to goals of the Neighborhood Plan as well as the Growth Management portion of the General Plan. These call for transit serving businesses. The site is ½ mile to the South Hayward BART station. Separate development of this property takes away the economic viability of the corner property. It would be isolated. If approved, she asked that the Commission direct the applicant to redesign the building in the Mission-architecture style. Because use of site is contrary to General and Neighborhood Plan, staff recommends denial. Public email and phone calls have been negative.

Commissioner Halliday commented on the site layout, and asked whether the applicant was proposing a zero lot line. She was told they are, which is permitted in the CG Zone with no residential next to it. She then asked whether there would be other locations on Mission that could be viable for this application. She was told there were a number of locations along Mission, Boulevard and in the Industrial District.

Commissioner Zermeño asked about the zoning near the car dealerships.

Associate Planner Camire indicated that the applicants are presently occupying one of those sites on Dollar Street, but may have lost their lease. They have contacted the owner of corner lot at this site who indicated he might have other plans for it.

Commissioner Sacks asked about the sycamore trees on the property. She was told that if the project were approved, they would be removed and replaced.

Chairperson Caveglia opened the public hearing at 8:09 p.m.

Shafi Anwari, 28078 East 12th Street, said he would like for someone to build there. At this point the site is very unattractive. He supports the project.

Mogeeb Weiss, 21573 Foothill Boulevard, speaking for applicant, said there are a lot of businesses of the same types in the area. He argued against various points in the staff report. Noise from this project is non-existent when you consider the constant traffic noise on Mission Boulevard. Also, Big "O" Tire directly across the street will agree that there is more profit generated without storage of cars. The business wants to get them in and out. As to hazardous materials, all the Mission Boulevard businesses have similar problems. Any odor would be overwhelmed by the Big "O" smell of tires. He wondered how this business could impair the integrity and character of the neighborhood. The present dual ownership has created blight. This project will protect the neighborhood. If Big "O" was accepted with all its problems, this smaller project should be as well.



Commissioner Williams said he made some very good points, but without the corner site, it's going to be terrible. He noted that this is going to be in the redevelopment area. If redevelopment comes in, there is a chance to come in and try to stay in Hayward. He said the Big "O" argument is a very good one. Without the corner-lot owner willing to sell the property, the redevelopment agency might create an opportunity to consolidate some of this land. He said he wants the best possible for Hayward, and would like to see something viable on this location.

Acting Principal Planner Patenaude explained that the Big "O" project combined 4 parcels for one project. The enterprises will share common parking and other cooperative needs. The Big "O" Tires and restaurant will be built while a non-auto business may go into the third pod. He noted that the Planning Commission looked very carefully at the architecture of the property and its shared elements. There was a noise study performed. On this location, it would be better to have these properties consolidated. The redevelopment district may be able to do that. This would end up with a corner property that would be very difficult to develop.

Commissioner Thnay asked whether the applicant had a chance to look into other sites.

Mr. Weiss responded that it is difficult to find other sites on Mission Blvd. This is the site they wanted and saw it as reasonable and rational for this area.

Commissioner Thnay commented that the corner site is an eyesore although it is all in the Redevelopment area. He explained that one underlying theory of the Redevelopment Agency is that instead of having projects develop haphazardly, they can be coordinated for the good of all. This is using Growth Management Plan for the good of the City.

Taher Mehdavi, 20785 Aldengate Way, applicant said this would be a great facility for Hayward.

Patricia Weise, 24077 2nd Street, owner of the property, said her contract with the auto repair ended December 1. Her husband has died during this process and she does not want the property, so she is trying to sell it. She noted that they had tried to buy the corner property. That corner cannot be developed. The owner is not amenable for selling and building. She asked whether the City could take the property by condemnation. They had it happen on D Street with other property they owned. It seems to be an alternative.

Commissioner Halliday said there were some good arguments in support of the application. She expressed sympathy for both owner and applicant. She noted that this approval might make the property on the corner unusable. The area is changing. It is becoming a more commercial retail area. She said that soon there would be more opportunities to deal with this property.

Commissioner Williams said the problem is that we live here and we want our City to look nice. As the owner, you want to develop it. The corner of Carlos Bee and Mission is still vacant and

looks terrible. If you leave the corner undeveloped, it could be a problem. He said he would hope the Redevelopment Agency would be helpful.

Mahoud A. Khamosh, 26831 Whitman Street, drew attention to who is going to do this job, Abdul Mehdavi is not only an expert in auto works, but he has dedicated his life toward training young people in jobs. He wants to create jobs for young people. Mr. Mehdavi is a symbol among Afghans. He noted that this is being built for jobs.

Nate Rizvi, 29539 Chan Street, a resident of Hayward, said this looks like a good location for an auto body shop. He would support this.

Mogeeb Weiss added that the owners would have no problem buying the corner lot when and if it becomes available.

Sahila, no other name or address given, discussed the present shop now on Dollar Street. She said this is a good location on Mission. She prefers it to the present location behind another building. This area would feel safe and comfortable for her as a customer. This is a great opportunity for them and a great idea.

Chairperson Caveglia closed the public hearing at 8:44 p.m.

Chairperson Caveglia said the Commission has to look for the best possible use for a site.

Acting Principal Planner Patenaude reminded Members that if they were inclined to approve the application, they might want to continue it so that staff could develop conditions of approval and address the design issues, etc. Staff then answered questions from various members.

Commissioner Sacks asked for further information on the timetable proposed for the stop light across the Street as part of the Big "O" Tire proposal.

Development Services Review Engineer Garcia said he would check with the City Engineer and get back to her. Acting Principal Planner Patenaude stated that contribution toward the traffic light was a condition of approval.

Commissioner Bogue **moved**, seconded by Commissioner Zermeño, to deny the Zone Change and Administrative Use Permit, subject to findings.

Commissioner Bogue noted that the Mission-Garin Plan strongly suggests maintaining this zoning. It would impose on the residential neighborhood a heavy commercial zoning.

Commissioner Williams said it is a difficult decision because the City is working to improving the area. To deny this applicant the opportunity to improve that area created mixed feelings on the issue. However, he would support the motion.

Commissioner Halliday said she had sympathy for the applicant, and noted some very good points that had been made. However, the Redevelopment proposal is coming. It will facilitate the combination of the parcels to enhance the character of Mission Boulevard. She said she

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hopes the applicant finds a suitable location more ideal for the auto body shop. She might be inclined to support a different project if the corner lot is included.

Commissioner Sacks noted the fact that someone can block a project like this corner landowner. This is a strange parcel since it goes into residential. It really does not improve the character of Mission. She added that she was very impressed with the applicant and spokesperson for it.

Commissioner Zermeño commented that he knew many of the people who signed the petition in support of the application. However, he added that the City has guidelines which must be met, and with the obstacle of the corner lot the process would be more difficult. He asked the applicant and owner to wait.

Commissioner Thnay echoed the previous sentiments adding that this is a good thing Mr. Mehdevi is doing. He noted, however, that Redevelopment is not that far off.

The motion passed unanimously.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

There were no reports made.

4. Commissioners' Announcements, Referrals

Chairperson asked for an introduction to one of the attorneys on the dais. Assistant City Attorney Conneely introduced Meg Fitzgerald a new Assistant City Attorney, who may be assisting the Commission in the future.

MINUTES

- January 25, 2001 - Approved

ADJOURNMENT

The meeting was adjourned by chairperson Caveglia at 8:57 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

DRAFT

ATTEST:

Edith Looney
Commission Secretary